

**IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI**

STATE OF MISSOURI ex rel.,  
JEREMIAH W. (JAY) NIXON,  
Attorney General of Missouri,  
and the MISSOURI DEPARTMENT  
OF NATURAL RESOURCES,

Plaintiff,

v.

Case No. 04CV165340

MEDICAL WASTE MANAGEMENT, INC.,  
WALLY EL-BECK, IN HIS INDIVIDUAL  
CAPACITY, M.W.A. ENTERPRISE, L.L.C.,  
MOUMEN KUZIEZ, IN HIS  
INDIVIDUAL CAPACITY, AND MAJED  
EL-DWEIK

Defendants.

**CONSENT JUDGMENT AND ORDER OF INJUNCTION FOR MOUMEN KUZIEZ  
AND M.W.A. ENTERPRISE, L.L.C.**

WHEREAS, Plaintiff, State of Missouri, on behalf of the Missouri Department of Natural Resources (“the Department”), filed a petition herein alleging that Defendant Moumen Kuziez and Defendant M.W.A. Enterprise, L.L.C., (hereinafter “Defendants”) violated and continue to violate the Missouri Solid Waste Management Law, §§ 260.200 to 260.345, RSMo, and the Missouri Hazardous Waste Management Law, §§ 260.350 to 260.482, RSMo; and

WHEREAS, Plaintiff and Defendants have consented, without trial or adjudication of any issue of fact or law herein, to the entry of this Consent Order;

NOW THEREFORE, it is ORDERED, ADJUDGED and DECREED as follows:

1. The Court has read Plaintiff's Petition and has been fully advised of its premises.

The Court is satisfied that the provisions of this Consent Judgment amicably resolves the issues

cognizable under §§ 260.200 to 260.345, and §§ 260.350 to 260.482, RSMo, and the Court finds that this Consent Judgment does protect the public interest.

2. For purposes of this Consent Judgment, this Court has jurisdiction over the subject matter of this action and over the parties consenting hereto pursuant to Chapter 260, RSMo.

3. The Provisions of this Consent Judgment shall apply to and be binding upon the parties executing this Consent Judgment, their officers, agents, successors and assigns.

4. This Consent Judgment fully resolves the State's and the Department's claims against Defendants, their officials, employees and agents, including claims for civil penalties and injunctive relief for violations of the Missouri Solid Waste Management Law and the Missouri Hazardous Waste Management Law as contained in Plaintiff's Petition. This Consent Judgment also subjects Defendants to a civil penalty, requires that Defendants cease any and all medical waste transportation and storage activities in the State of Missouri and requires that Defendants comply with the Missouri Solid Waste Management Law, the Missouri Hazardous Waste Management Law and their respective implementing regulations for any and all future activity in the State of Missouri.

#### **PENALTY**

5. As for civil penalties for the violations referred to in Plaintiff's Petition, Defendant Moumen Kuziez shall pay a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000.00). Seven Thousand Five Hundred Dollars (\$7,500.00) shall be paid upon Defendant Moumen Kuziez's signature on this Consent Judgment. The parties hereto agree that Defendant Moumen Kuziez shall pay the remaining Seven Thousand Five Hundred Dollars (\$7,500.00)

civil penalty in twenty (20) installments of Three Hundred Seventy-five Dollars (\$375.00) each. Defendant Moumen Kuziez shall submit the first installment check on August 1, 2006. The remaining installment payments shall be paid on or before the 1<sup>st</sup> day of each month following August 1, 2006, until the remaining Seven Thousand Five Hundred Dollars (\$7,500.00) penalty amount is satisfied. All civil penalties shall be paid in the form of a certified check made payable to the **“State of Missouri (Boone County School Fund).”** The signed Consent Judgment and checks shall be delivered to JoAnn Horvath, Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. In the event any such installment payments are not received by the Missouri Attorney General's Office when due, the entire remaining unpaid penalty shall be due immediately and shall be paid within 15 days of written demand by the Missouri Attorney General's Office and execution shall issue for the entire unpaid balance.

6. Defendant M.W.A. Enterprise, L.L.C. shall be assessed and pay a civil penalty of Two Hundred Forty Thousand Dollars (\$240,000.00), with the entire amount due and owing upon entry of this Judgment and execution shall issue forthwith.

### **COMPLIANCE**

7. Defendants are ordered to immediately and permanently cease any and all medical waste transportation and storage activities in the State of Missouri.

8. Defendants are also ordered to comply with the Missouri Solid Waste Management Law (Sections 260.003-260.345, RSMo.), the Missouri Hazardous Waste Management Law (Sections 260.350-260.965, RSMo.) and their implementing regulations for any and all future operations in the State of Missouri.

### **GENERAL TERMS**

9. The Plaintiff does not, by its consent to the entry of this Consent Judgment, warrant or aver in any manner that Defendants' complete compliance with this Consent Judgment, will result in compliance with the provisions of the Law. Defendants shall remain solely responsible for compliance with the terms of this Consent Judgment.

10. Nothing in this Consent Judgment precludes the State of Missouri from seeking applicable or legal relief for future violations of the Missouri Solid Waste Management Law, the Missouri Hazardous Waste Management Law and their implementing regulations.

11. Each party shall bear its own costs and attorney fees in this action.

12. The Court shall retain jurisdiction to enforce the terms and conditions of this Consent Judgment and to resolve disputes arising hereunder as may be necessary or appropriate.

WE HEREBY CONSENT to the entry of this Judgment:

**MOUMEN KUZIEZ**

By: \_\_\_\_\_  
Moumen Kuziez

Date: \_\_\_\_\_

**M.W.A. ENTERPRISE, L.L.C.**

By: \_\_\_\_\_  
Moumen Kuziez

Date: \_\_\_\_\_

**JEREMIAH W. ("JAY") NIXON**  
**Attorney General of Missouri**

By: \_\_\_\_\_  
HARRY D. BOZOIAN  
Assistant Attorney General

Date: \_\_\_\_\_

**MISSOURI DEPARTMENT OF**  
**NATURAL RESOURCES**

By: \_\_\_\_\_  
Jim Hull, Director  
Solid Waste Management Program

Date: \_\_\_\_\_

IT IS SO ORDERED.

\_\_\_\_\_  
CIRCUIT JUDGE

Dated: \_\_\_\_\_